IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15332 of 2004

Between:

1 B.Ramesh S/o. Late Sri B.Sudershan Rao, r/o Hayathnagar Village, Hayathnagar Mandal, Ranga Reddy District.
2 B.Mahesh S/o. Late Sri B.Sudershan Rao, r/o Hayathnagar Village, Hayathnagar Mandal, Ranga Reddy District.
3 B.Babu Rao Late Sri Bhadrappa, Hayathnagar Village, r/o Hayathnagar Mandal, Ranga Reddy District.

..... PETITIONERS

AND

1 Government of Andhra Pradesh represented by its Principal Secretary
Revenue Department
Secretariat, Hyderabad.
2 Land Acquisition Officer-Cum-Revenue Divisional Officer
Chevella Division Attapur, Near Mehdipatnam Ring Road
Hyderabad.
3 Joint Collector Ranga Reddy District
at Hyderabad.
4 M/s Centre for Organisation Development a Society Registered under the Andhra Pradesh (Telengana Area) Public Societies Registration Act 1350 F, having its Registered Office at No.8-2-697/8, Road No.12, Banjara Hills, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the second respondent in not referring the dispute to Civil Court under Section 30 of the Land Acquisition Act in respect of the false claim of fourth Respondent for the land in Survey No.2 of Madhapur Village, Serilingampally Mandal, Ranga Reddy District and further direct the respondents 1

to 3 to dispose of the representations of the Petitioners for alternative land in lieu of money for the land of 20 guntas and 6 guntas acquired from the petitioners in Survey Nos.2 and 88, respectively situated in Madhapur Village, Serilingampally Mandal, Ranga Reddy District.

Counsel for the Petitioners: MR.M.V.DURGA PRASAD, Advocate.

Counsel for the Respondents 1 to 3: Govt. Pleader for REVENUE.

The Court at the state of admission made the following:

Oral Order:

Petitioners claim to be the owners of land admeasuring Ac.0.25 gts. and 61 square yards in Sy.No.2 and Ac.0.06 gts. in Sy.No.88 of Madhapur Village. In all they have 3,146 square yards, which was acquired by the 1st respondent in different notifications, dated 22-11-1997,24-11-1997 and 25-11-1997. It is stated that one B.Sudhershan Rao who was looking after the properties of the petitioners was passed away in the year 1996. On coming to know of the acquisition, petitioners filed petition before the 2nd respondent in proceedings No.I/4528 of 1997 dated 26-12-1997, but till date he has not taken any action. Therefore, petitioners submitted another representation on 25-06-2004 requesting to allot alternative land, which was available adjacent to the petitioners' land. Further it is averred that the 4th respondent who has lost 61 square yards and portion of compound wall falsely claimed compensation for the total land admeasuring 24 gts. acquired in Sy.No.2, and in spite of representation made by the petitioners the 2nd respondent proposed to pay the compensation or allot alternative land to the 4th respondent without making any enquiry and without even referring the matter to the civil court under Section 30 of the Land Acquisition Act, 1894 (for short 'the Act') and the award was not served on the petitioners, but it was noted in the award dated 20-11-1998 that the 4th respondent has purchased 5 acres. In view of the same, petitioners field the present writ petition for referring the matter to the civil court under Section 30 of the Act and to provide alternative land in lieu of money for the land admeasuring 20 gts. and 6 gts. acquired from the petitioners in Sy.Nos.2 and 88 respectively.

Learned Counsel for the petitioners is unable to explain whether the petitioners' rights over such land which was acquired by the 1st respondent has been recognized by the LAO while passing the award and protected their right enabling them to claim compensation/alternative land in lieu of compensation. In the absence

of the same, direction sought for to provide alternative land in lieu of money cannot be granted.

Coming to the other aspect, referring the matter to the civil court under Section 30 of the Act, petitioners have not substantiated that there was a dispute with regard to compensation/alternative land in lieu of compensation for the land acquired between the petitioners and the 4th respondent over the same extent. Only in such an event the LAO is bound to make a reference between the disputed persons to set up their rival claim for compensation for the land acquired. It is needless to observe Section 30 reference can be made even after passing award if the party is aggrieved by the award and provided there are rival claims over the land between the parties. In view of the same, it is for the authorities to consider the said representation, if any made, claiming compensation for the lands where the award is passed in favour of the 4th respondent for referring the matter to civil court. It is also open for the petitioners to move the civil court seeking appropriate remedies for declaration of their right to receive compensation for the land which was acquired and in which compensation was awarded to the 4th respondent rejecting the claim of the petitioner, if any.

After pronouncing the order, learned counsel for the petitioners requested time for enabling her to file some more additional evidence to prove the title of the petitioners. Such a request cannot be considered after pronouncing the order and it is accordingly rejected.

The writ petition is accordingly dismissed. No costs.

_____ A.GOPAL REDDY, J.

27-08-2004

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Principal Secretary, Revenue Department, Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.
2 Land Acquisition Officer-Cum-Revenue Divisional Officer, Chevella Division, Attapur, Near Mehdipatnam Ring Road, Hyderabad.
3 Joint Collector Ranga Reddy District at Hyderabad.
4. Two CCs to the Govt. Pleader for Revenue, High court

Buildings, Hyderabad (OUT)

5 Two CD copies.